

REMARKS

Re-examination and reconsideration of the subject matter identified in caption, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested

Claims 23-34 remain pending in this application.

Applicant acknowledges with appreciation the Examiner's indication that claims 23-28 are allowed.

Claim 29 was rejected under 35 U.S.C. §102(e) as anticipated by U.S. published application No. 2002/0042479 to Nanni et al. for the reasons given in paragraph (4) of the Office Action. Reconsideration and withdrawal of this rejection are respectfully requested for at least the reasons which follow.

The §102(e) date of Nanni et al. is June 12, 2001, i.e., the U.S. filing date. This date is subsequent to the U.S. filing date of the present application. The Nanni et al. publication is a continuation of International Application No. PCT/EP99/09646, filed December 6, 1999. Since the International Application was filed prior to November 29, 2000, its filing date is unavailable under §102(e). Note M.P.E.P. §706.02(f)(I), page 700-36 of the 8th Ed., Rev. 1, Feb. 2003.

Accordingly, for at least the aforementioned reason, the §102(e) rejection of claim 29 over Nanni et al. '479 should be withdrawn. Such action is earnestly requested.

The remaining §103(a) rejections of claims 30-34 are each based on Nanni et al. '479 as the primary reference. Since the '479 publication is unavailable as a reference for the reason enunciated above, the §103(a) rejections likewise should be withdrawn.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at her earliest convenience.

Respectfully submitted,

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